

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5-14-CV-14**

MICHAEL LAWRENCE KLINGER,

**Plaintiff,**

**v.**

ROBERT J. AHERN, JOE WHITTINGTON,  
M. COFFEY, II,

**Defendants.**

**ORDER**

Plaintiff, in a document that states it is seeking “Summary Judgment” argues that it is entitled to judgment on all claims because Defendants have not filed an answer and Defendants’ attorneys have not filed a “Notice of Appearance.” (Docs. 12-17).

All Defendants correctly argue that a separately filed notice of appearance is not necessary where counsel has otherwise entered an appearance by filing a pleading or motion. Further, all Defendants correctly argue that Rule 12(a)(4)(A) alters the due date of an Answer. *See, e.g., Nichols Family Investments, LLC v. Hackenberg*, 2009 WL 910679, at \* 1 (W.D.N.C. Mar. 31, 2009) (Voorhees, J.) (analyzing prior version). Accordingly, the Defendants have fourteen days after this Court rules on their motions to dismiss to file an answer. Fed. R. Civ. Pro. 12(a)(4)A).

**IT IS, THEREFORE, ORDERED** that Plaintiff’s Motions for Summary Judgment (Docs. 12, 14, and 16) be **DENIED**.

Signed: November 21, 2014



Richard L. Voorhees  
United States District Judge

